

08-24-01

A

Express Mail Mail Label No. EL822887479US

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. BSC-187

First Named Inventor Rioux

Title Maintaining an Open Passageway Through a Body Lumen

APPLICATION ELEMENTSADDRESS TO: **Box Patent Application**
Assistant Commissioner for Patents
Washington, D.C. 202311. ☒ Fee Transmittal Form2. ☐ Small Entity Status☐ Applicant claims small entity status☐ Status established in prior application and is still proper and desired3. ☒ Specification and Drawings [Total Pages 31]

- Written Description - (14 pages)

- Claims - (5 pages)

- Abstract - (1 page)

- Sheets of Drawings - (11 sheets)

☐ Formal☒ Informal4. ☐ Oath or Declaration [Total Pages]a. ☐ Newly executed (original)b. ☐ Copy from a prior application (37 CFR 1.63(d))

(for continuation/divisional with Box 17 completed)

[Note Box 5 below]

5. ☐ Incorporation by Reference (usable if Box 4b is checked)

The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☒ Application Data Sheet7. ☐ Nucleotide and/or Amino Acid Sequence Submission☐ Computer Readable Copy☐ Paper Copy (identical to computer copy)☐ CD (identical to computer copy)☐ Statement verifying identity of above copies**ACCOMPANYING APPLICATION PARTS**8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)☐ Power of Attorney9. ☐ English Translation Document (if applicable)10. ☒ Information Disclosure Statement (IDS)/PTO-1449☒ Copies of IDS Citations A1-A83, B1-B5, C111. ☐ Preliminary Amendment☐ Drawings [Total Sheets]☐ Letter to Official Draftsperson Including Drawings [Total Pages]12. ☒ Return Receipt Postcard13. ☐ Certified Copy of Priority Document(s)14. ☐ Deletion of Inventor(s)

Signed statement attached deleting inventor(s) named in the prior application.

15. ☐ CD in duplicate for large table or computer program.16. ☐ Other:17. ☐ If a CONTINUING APPLICATION, amend the specification by inserting on page 1, before the first line, the sentence:

--This is a

☐ continuation☐ divisional☐ continuation-in-part of prior application Serial No. / , filed on , , the

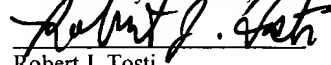
entire disclosure of which is incorporated by reference herein.--

Priority to the above application(s) is claimed under 35 U.S.C. 120.

Prior application information: Examiner: . Group/Art Unit: .

18. ☐ Priority - 35 U.S.C. 119☐ Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.☐ The certified copy has been filed in prior U.S. application Serial No. / on .☐ The certified copy will follow.**CORRESPONDENCE ADDRESS**Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100**SIGNATURE BLOCK**Date: August 23, 2001
Reg. No. 35,393
Tel. No.: (617) 248-7374
Fax No.: (617) 248-7100

Respectfully submitted,


Robert J. Tosti
Attorney for the Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

FEE TRANSMITTAL **FY 2001**

Complete if Known

| | |
|---------------------------|------------------|
| Application Serial Number | Not Yet Assigned |
| Filing Date | Herewith |
| First Named Inventor | Rioux |
| Group Art Unit | Not Yet Assigned |
| Examiner Name | Not Yet Assigned |
| Attorney Docket No. | BSC-187 |

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

FEE CALCULATION**1. FILING FEE****Large Entity**

| Fee (\$) | Fee Description | Fee Paid |
|----------|------------------------|----------|
| 710 | Utility filing fee | 710.00 |
| 320 | Design filing fee | |
| 150 | Provisional filing fee | |

| | Number Filed | Number Extra | Rate | Amount |
|--------------|--------------|--------------|--------------|--------|
| Total Claims | 20 | - 16 = 0 | x \$ 18.00 = | 0.00 |

Independent Claims **3** - 3 = 0 x \$ 80.00 = 0.00

☐ Multiple Dependent Claim(s), if any \$270.00 =

TOTAL: 710.00

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 710.00

2. AMENDMENT CLAIM FEES

| Claims Remaining After Amend. | Highest No. Previously Paid For | Present Extra | Rate | Fee Paid |
|--|---------------------------------|---------------|--------------|----------|
| Total | - | = | x \$ 18.00 = | |
| Indep. | - | = | x \$ 80.00 = | |
| <input type="checkbox"/> First Presentation of Multiple Dep. Claim | | | + \$270.00 = | |

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130 | 65 | Surcharge - late filing fee or oath | |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 130 | 130 | Non-English specification | |
| 2,520 | 2,520 | For filing a request for reexamination | |
| 110 | 55 | Extension for reply within first month | |
| 390 | 195 | Extension for reply within second month | |
| 890 | 445 | Extension for reply within third month | |
| 1,390 | 695 | Extension for reply within fourth month | |
| 1,890 | 945 | Extension for reply within fifth month | |
| 310 | 155 | Notice of Appeal | |
| 310 | 155 | Filing a brief in support of an appeal | |
| 270 | 135 | Request for oral hearing | |
| 130 | 130 | Petitions to the Commissioner | |
| 50 | 50 | Petitions related to provisional applications | |
| 180 | 180 | Submission of Information Disclosure Statement | |
| 710 | 355 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 710 | 355 | For each additional invention to be examined (37 CFR 1.129(b)) | |

Other fee (Specify)

Other fee (Specify)

SUBTOTAL (3) (\$) 0.00

SUBTOTAL (1) 710.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 0.00

TOTAL (\$) 710.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:

Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Robert J. Tosti
 Robert J. Tosti
 Attorney for the Applicants
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110

Date: August 23, 2001
 Reg. No.: 35,393
 Tel. No.: (617) 248-7374
 Fax No.: (617) 248-7100